IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

WP(C).No. 36262 of 2007(P)

PETITIONER:

ARYA BHANGY,
GANDHI NAGAR, KOCHI-20, REPRESENTED BY ITS MANAGING PARTNER, JIBI THOMAS.

BY ADV. SMT.S.K.DEVI
SRI.SANTHOSH P.ABRAHAM

RESPONDENTS:
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1. THE SALES TAX OFFICER,
DEPT. OF COMMERCIAL TAXES, 1ST CIRCLE,
KALAMASSERY-682 024.

2. THE DEPUTY COMMISSIONER (APPEALS),
DEPT. OF COMMERCIAL TAXES, ERNAKULAM-682 015.

3. THE INSPECTING ASST. COMMISSIONER,
DEPT. OF COMMERCIAL TAXES, ERNAKULAM-682 030.

BY GOVERNMENT PLEADER SRI.GOVINDAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) NO. 36262 OF 2007 P

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Dated this the 7th day of December, 2007

J U D G M E N T

Aggrieved by Ext.P1 order of assessment, the petitioner has filed Ext.P2 appeal. It would appear that on receipt of Ext.P4 demand notice, a stay petition has been filed as Ext.P3. Thereupon, this writ petition has been filed seeking to have the revenue recovery proceedings deferred pending disposal of the appeal.

2. Though, I am not inclined to defer the stay petition and direct disposal of the appeal as sought for by the writ petitioner, taking into account the fact that the petitioner has already moved an application for stay by filing Ext.P3, I dispose of this writ petition directing that the 2nd respondent shall consider and pass orders on Ext.P3 stay petition. This shall be done by the 2nd respondent within three weeks from the date of production of a copy of this judgment.

3. In the meantime, further proceedings pursuant to Ext.P4 shall also stand deferred for a period of four weeks.

Petitioner shall produce a copy of this judgment before the 2nd respondent for compliance.

ANTONY DOMINIC, JUDGE.

Rp